

RECEIVED
CENTRAL FAX CENTER**JAN 10 2007****PATENT**Atty Docket No.: 200300594-1
App. Ser. No.: 10/666,577**REMARKS**

Favorable reconsideration of this application is respectfully requested in view of the claim amendments and following remarks. Claims 2, 3, 22, 36-39, and 42 were previously deleted without prejudice or disclaimer of the subject matter contained therein. Claim 1, 4-21, 23-35, 40, 41, and 43-45 remain pending, of which claims 1, 20 and 40 are independent.

Claim 4 was objected as being improperly dependent on a canceled claim.

Claims 1, 20, and 40 were rejected under 35 U.S.C. §112, first paragraph as allegedly failing to comply with the enablement requirement.

Claim 1 was rejected under 35 U.S.C. §112, second paragraph as allegedly being indefinite.

Claims 1-4, 6-9, 11-21, 23-35, 40, 41, and 43-45 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Kauffman et al. (6,260,040).

Claim 5 was rejected under U.S.C. §103(a) as allegedly being unpatentable over Kauffman et al. in view of Kellams et al. (5,854,749).

Claim 10 was rejected under U.S.C. §103(a) as allegedly being unpatentable over Kauffman et al. in view of Sedlar (US20050091287).

The above objection and rejections are respectfully traversed for at least the following reasons.

Claim Objection

Claim 4 was objected as being improperly dependent on a canceled claim. Claim 4 has been amended to depend on pending Claim 1. Accordingly, withdrawal of the claim objection is respectfully requested.

PATENT

Atty Docket No.: 200300594-1
App. Ser. No.: 10/666,577

Claim Rejection Under 35 U.S.C. §112, First Paragraph

Claim 1 was rejected because the specification allegedly failed to support the following claimed features,

wherein the second object comprises at least one or more of,
a second file generated from the first file, and
meta data generated from the first file.

It is respectfully submitted that the specification provides enablement for the above identified features in at least:

- a) paragraphs [0007] and [0008] which describe the use of a data model that includes a second object comprising a second file or semantic information about the first file;
- b) paragraph [0027] which indicates that semantic information may be meta data;
- c) paragraphs [0034] and [0035] which describe examples of semantic information that may be generated from the first file; and
- d) starting from paragraph [0036], which describes the use of the data model 260 for generating the semantic information.

Claims 20 and 40 were rejected because the specification allegedly failed to support the following claimed features,

determining whether the first object in the file system is accessed;
identifying a predetermined condition associated with the first object in response to the first object being accessed; and
performing an action in response to the predetermined condition existing,
wherein the relation identifier identifies the predetermined condition and the action.

It is respectfully submitted that the specification provides enablement for the above-identified features in at least FIG. 4, at 410-440, and in paragraph [0068] which describes FIG. 4. Please note that the above-referenced paragraph numbers in the specification of the

PATENT**Atty Docket No.: 200300594-1
App. Ser. No.: 10/666,577**

present application can be found in U.S. Patent Application Publication 2005/0076031 of the present application.

Accordingly, it is respectfully submitted that the originally-filed application provides enablement for all claimed features, and withdrawal of the enablement rejection of Claims 1, 20, and 40 is respectfully requested.

Claim Rejection Under 35 U.S.C. §112, Second Paragraph

Claim 1 was rejected as allegedly being indefinite because there was confusion on the number of "second files" being claimed. Claim 1 has been amended to further clarify that the second object comprises at least one of a second file and meta data generated from the first file. In other words, the second object can comprise a second file, the meta data from the first file, or both.

Accordingly, it is respectfully submitted that the language of amended Claim 1 is clear and concise, and withdrawal of the indefiniteness rejection of this claim is respectfully requested.

Claim Rejection Under 35 U.S.C. §102(b)

The test for determining if a reference anticipates a claim, for purposes of a rejection under 35 U.S.C. § 102, is whether the reference discloses all the elements of the claimed combination, or the mechanical equivalents thereof functioning in substantially the same way to produce substantially the same results. As noted by the Court of Appeals for the Federal Circuit in *Lindemann Maschinenfabrick GmbH v. American Hoist and Derrick Co.*, 221

PATENT

Atty Docket No.: 200300594-1

App. Scr. No.: 10/666,577

USPQ 481, 485 (Fed. Cir. 1984), in evaluating the sufficiency of an anticipation rejection under 35 U.S.C. § 102, the Court stated:

Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.

Therefore, if the cited reference does not disclose each and every element of the claimed invention, then the cited reference fails to anticipate the claimed invention and, thus, the claimed invention is distinguishable over the cited reference.

Claims 1-4, 6-9, 11-21, 23-35, 40, 41, and 43-45 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Kauffman et al. (6,260,040).

Claim 1

The Office Action alleged that Claim 1 is anticipated by Kauffman et al. by citing to various sections in Kauffman et al. that allegedly disclose the elements in Claim 1 as follows:

<u>Claim 1</u>	<u>Kauffman et al.</u>
First object identifier	Object identifier in object indices stored in the library catalog (col. 2, ll. 55-56)
First object/file	Objects 380 and 381 stored in object servers (col. 2, ll. 55-56; in FIG. 3)
File system	Digital library system 3B (FIG. 3) based on the PTO's interpretation of first object identifier, first object/file.
Second object identifier	New filename recorded by the library server 390 when a file retrieved from the file server storage 330 or 331 is changed (col. 7, ll. 1-15)
Second object/file	The file retrieved from the file server storage 330 or 331 (col. 7, ll. 1-15) in the shared file system 3A.
Relation identifier	Class library 730 (FIG. 7; col. 8, ll. 1-10) and animated features (col. 7, l. 23).

PATENT

Atty Docket No.: 200300594-1

App. Ser. No.: 10/666,577

First of all, Claims 1, 20, and 40 recite "a first object stored in the file system" and "a second object stored in the file system." In other words, the first and second objects are stored in the *same* file system. Yet, the Office Action erroneously cited to two objects stored in different file systems, namely the digital library system 3B and the shared file system 3A, to anticipate such claimed features.

Secondly, Claims 1, 20, and 40 recite a relation identifier "identifying a relationship between the first object and the second object." Yet, the Office Action erroneously cited to the digital class library 730 in FIG. 7, which provides a set of C++ objects that can provide an interface to the digital library system for users to access such as digital library, as stated in col. 8, ll. 1-10 of Kauffman and cited in the Office Action. Thus, the digital class library 730 merely provides a technical capability for accessing the digital library system 3B and not for identifying a relationship between the first and second objects, especially when Office Action identified the first object as one of the object files 380/381 and the second object as a file retrieved from a file server storage 330/331. As for the animated features example provided in Kauffman et al., col. 7, ll. 23+, it is not clear how that can be interpreted as a relation identifier as claimed, and the Office Action provides no further explanation for such an interpretation.

Claim 14

Claim 14 clearly indicates that the relation identifier identifies the second object as including property semantic information for the first object, whereby "the property semantic information including statistical information for the first object." Yet, the Office Action again cited to the digital class library 730 and the animated features example in Kauffman et

PATENT**Atty Docket No.: 200300594-1
App. Ser. No.: 10/666,577**

al. to reject such claimed features. As noted above, neither the cited digital class library 730 and the animated features is concerned with the statistical information for the first object, which is the object file 380/381 as interpreted by the Office Action, especially when such statistical information is supposedly included in the second object that is retrieved from the file server storage 330/331, as also interpreted by the Office Action.

Claims 15 and 16

Claims 15 and 16 clearly indicate that the relation identifier identifies the second object as including context semantic information for the first object, whereby "the context semantic information being associated with access patterns for the first object." Yet, the Office Action cited to the animated features example in Kauffman et al. (col. 8, ll. 22-55) to reject such claimed features. As noted above, the cited animated features example is not concerned with access patterns for the first object, which is the object file 380/381 as interpreted by the Office Action, especially when such access patterns are associated with context semantic information that is supposedly included in the second object that is retrieved from the file server storage 330/331, as also interpreted by the Office Action.

Claims 23-28, 33-35, and 43-45

It is respectfully submitted that Kauffman et al. fails to disclose the features recited in these claims, as evidence from a reading of Kauffman et al. and a lack of citation in Kauffman et al. by the Office Action to indicate where such claimed features can be found. Indeed, the Office Action alleged that the features in Claims 23-28, 33-35, and 43-45 are disclosed by Kauffman et al. without detailing where such features can be found in Kauffman

PATENT

Atty Docket No.: 200300594-1
App. Ser. No.: 10/666,577

et al. Mere allegation of prior art anticipation without any evidentiary support constitutes an improper rejection under 35 U.S.C. § 102.

Because Kauffman et al. fails to disclose each and every element arranged as claimed for at least the above reasons, it is respectfully submitted that pending Claims 1, 4-21, 23-35, 40, 41, and 43-45 are allowable over the references of record.

Claim Rejection Under 35 U.S.C. §103

The test for determining if a claim is rendered obvious by one or more references for purposes of a rejection under 35 U.S.C. § 103 is set forth in MPEP § 706.02(j):

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaack*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Therefore, if the above-identified criteria are not met, then the cited reference(s) fails to render obvious the claimed invention and, thus, the claimed invention is distinguishable over the cited reference(s).

Claim 5 was rejected under U.S.C. §103(a) as allegedly being unpatentable over Noguchi et al. in view of Kellams et al. Furthermore, claim 10 was rejected under U.S.C. §103(a) as allegedly being unpatentable over Noguchi et al. in view of Sedlar.

It is respectfully submitted that, for at least the reasons set forth earlier, claims 5 and 10 are not anticipated by Noguchi et al. In addition, the Office Action does not rely upon

RECEIVED
CENTRAL FAX CENTER

PATENT

JAN 10 2007

Atty Docket No.: 200300594-1
App. Scr. No.: 10/666,577

Kellams et al. or Sedlar to make up for the deficiencies in Noguchi et al. with respect to claims 5 and 10. Accordingly, claims 5 and 10 are allowable over the references of record, and withdrawal of the rejections of these claims is requested.

Conclusion

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below. Please grant any required extensions of time and charge any fees due in connection with this request to deposit account no. 08-2025.

Respectfully submitted,

Dated: January 10, 2007

By


Tien H. Nguyen
Registration No.: 44,465Ashok K. Mannava
Registration No.: 45,301MANNAVA & KANG, P.C.
8221 Old Courthouse Road
Suite 104
Vienna, VA 22182
(703) 652-3819 (or 3822)
(703) 880-5270 (facsimile)